

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$267,808.00 UNITED STATES CURRENCY;

23-CV-6353

ONE 10K ROSE GOLD DIAMOND CHAIN WITH
SPADE DESIGN ON CLASP; AND

ONE 18K ROSE GOLD ROLEX OYSTER
PERPETUAL WATCH.

Defendants *in rem*

VERIFIED COMPLAINT FOR FORFEITURE

The United States of America, by its attorneys, Trini E. Ross, United States Attorney for the Western District of New York and Elizabeth M. Palma, Assistant United States Attorney, of counsel, for its Verified Complaint herein alleges as follows:

CAUSE OF ACTION

1. This is an action *in rem* pursuant to Title 21, United States Code, Section 881(a)(6) for the forfeiture of the sum of \$267,808.00 in United States currency, One 10k Rose Gold Diamond Chain with Spade Design on Clasp, and One 18k Rose Gold Rolex Oyster Perpetual Watch (hereinafter the “defendant assets”), which were seized from Aubrey Bailey (also referred to as “Bailey”) during the execution of a search warrant at 1 South Clinton Avenue, Apartment 2404, Rochester, New York on or about January 4, 2023.

2. This Court has subject matter jurisdiction of this action pursuant to Title 28, United States Code, Sections 1345 and 1355(a), and *in rem* jurisdiction pursuant to Title 28, United States Code, Sections 1355(b) and 1355(d). Venue is properly premised in the Western District of New York pursuant to Title 28, United States Code, Section 1395.

3. The defendant assets are currently in the custody of the United States Marshals Service for the Western District of New York.

FACTUAL ALLEGATIONS

4. Since July 2022, the Drug Enforcement Administration (hereinafter “DEA”), along with several other federal, state, and local law enforcement agencies, have been investigating Brandon Washington and his drug trafficking organization operating throughout Rochester, New York and elsewhere. Multiple search warrants have been executed which have resulted in the seizure of over 139 pounds of marijuana and approximately 24 firearms. The investigation led to the identification of a number of persons alleged to be involved in the distribution of controlled substances, specifically marijuana and cocaine, including but not limited to Aubrey Bailey. The investigation further revealed that Brandon Washington was using Bailey as one of his marijuana and cocaine suppliers. The DEA has been investigating Bailey and his drug trafficking activities throughout Rochester, New York and elsewhere, since early 2020.

SURVEILLANCE OF BAILEY'S RESIDENCE

5. DEA agents (hereinafter "agents") established that Bailey was the sole tenant at 1 South Clinton Avenue, Apartment 2404, Rochester, New York (hereinafter "Bailey's residence") and controlled such premise.

6. Agents reviewed security footage in order to determine the activities of Bailey at Bailey's residence.

7. Agents determined that on September 22, 2022, Bailey took a grey duffle bag with orange trim from his residence to apartment #2103, which was located within the same building and rented to an individual ("Individual 1"). Approximately twelve minutes later, agents observed Bailey return to Bailey's residence with the same bag. Agents then observed Individual 1 exit apartment #2103 with a black rolling suitcase, a black duffle bag and tan bag. Thereafter, agents observed individuals arrive at Bailey's residence, stay for a short period of time, and then depart the building.

8. Agents reviewed security footage from November 21, 2022 at the apartment complex where Bailey's residence is located, which showed approximately 8 incidents of Bailey and another individual ("Individual 2") exiting and entering Bailey's residence and Individual 1's apartment carrying various backpacks, Wegmans shopping bags, duffel bags and a suitcase between the hours of 4:41pm and 9:30pm. Individual 2 traveled to Individual 1's apartment with a grey and black soft-shell rolling suitcase before delivering the suitcase to Bailey's residence. During the review of the surveillance video, agents observed that Individual 2 left Individual 1's apartment with a soft-shell suitcase, appearing to be full, with a slight bulge on top of it, and walk towards Bailey's residence. Agents then observed

Individual 2 return from the direction of Bailey's residence with the same soft-shell suitcase, appearing to be empty, with a concave shape on top of the suitcase.

SEIZURE OF THE DEFENDANT ASSETS

9. At approximately 6:03am on January 4, 2023, a search warrant was executed at Bailey's residence. The warrant was signed by Monroe County Court Judge Victoria M. Argento and executed by the DEA with the assistance of members of the Rochester Police Department.

10. Upon entering Bailey's residence, Bailey was located in the bed of the master bedroom. Bailey was taken into custody without incident.

11. Agents cleared and secured Bailey's residence, took photographs of, and located the following items which were in Bailey's immediate control or possession, and which the investigation shows are owned by Bailey, as depicted in Exhibit 1:

- a. two (2) money counters located inside the kitchen cabinet;
- b. one (1) vacuum seal machine located inside the kitchen cabinet;
- c. packaging material located on top of the kitchen counter;
- d. one (1) grey duffle bag with orange trim, consistent with the duffle observed on September 22, 2022 located on the floor of the guest bedroom;
- e. one (1) set of black and blue luggage located on the floor of the guest bedroom;
- f. one (1) rose gold diamond necklace with spade design on clasp located inside a brown box in the closet of the master bedroom;
- g. one (1) rose gold Rolex Oyster Perpetual Watch located in the nightstand drawer in the master bedroom;

- h. \$262,618.00 U.S. currency located inside the kitchen cabinets and drawers;
- i. \$5,000.00 U.S. currency located inside a safe in the laundry room; and
- j. \$190.00 U.S. currency located on top of the nightstand in the master bedroom

12. The \$267,808.00 in U.S. currency that was recovered in the following denominations:

<u>Denomination</u>	<u>Number of Bills</u>	<u>Value of Bills</u>
\$100	671	\$67,100.00
\$50	310	\$15,500.00
\$20	8612	\$172,240.00
\$10	1041	\$10,410.00
\$5	504	\$2,520.00
\$2	5	\$10.00
\$1	28	\$28.00

13. The currency was stacked in bundles and secured by rubber bands. Alongside the bundles of cash were money counters, a vacuum sealer, and packing material.

14. Based upon the training and experience of the agents, cash is almost the exclusive medium of exchange for drug dealers. The abundance of twenty-dollar bills is significant because twenty-dollar bills are more commonly used than any other denomination in narcotics trafficking. Also, narcotics couriers and traffickers are known to package currency in bound rubber banded bundles.

15. Bailey is self-employed through his business JN Trucking More Miles.

16. Within a few months prior to the seizure of the defendant assets, agents have observed photographs of Bailey with a controlled substance in his residence.

PREVIOUS CURRENCY SEIZURE

17. On April 30, 2020, DEA executed a federal search warrant at 161 Fisherman's Cove in Rochester, New York. Bailey and other individuals were inside the searched residence, and agents located and seized \$142,140.00 in U.S. Currency. These funds were administratively forfeited on April 12, 2021, pursuant to Title 21, United States Code, Section 881.

18. On the same day, agents executed search warrants at other locations associated with the criminal investigation that lead to the search of 161 Fisherman's Cove, and seized 3.5 kilograms of fentanyl, approximately two kilograms of cocaine and crack cocaine.

INITIATION OF CIVIL JUDICIAL ACTION

19. On or about March 29, 2023, Dana H. VanHee, Esq. on behalf of Aubrey Bailey, submitted a claim to DEA to halt the administrative forfeiture proceedings against the defendant assets and requested referral for judicial forfeiture proceedings. No other claims were filed.

20. Bailey's claim states he is the lawful owner of the defendant assets.

CONCLUSION AND REQUEST FOR RELIEF

21. Based on all of the foregoing facts, the circumstances surrounding these facts, and the experience and training of the law enforcement officers involved, there is a reasonable

belief that the defendant assets were furnished or were intended to be furnished in the furtherance of controlled substances distribution, and/or constitute proceeds traceable to controlled substances distribution and are subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America respectfully requests that:

- (1) due process issue for the arrest of the defendant assets;
- (2) all persons having any interest therein be cited to appear and show cause why the forfeiture should not be decreed;
- (3) a judgment be entered declaring the defendant assets condemned and forfeited to the United States of America for disposition in accordance with the law;
- (4) the costs of this suit be paid to and recovered by the United States of America; and
- (5) the Court grants such other and further relief as deemed just and proper.

DATED: June 26, 2023
Buffalo, New York.

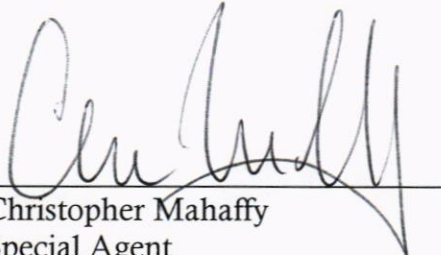
TRINI E. ROSS
United States Attorney
Western District of New York

By: /s/ Elizabeth M. Palma
ELIZABETH M. PALMA
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, NY 14202
(716) 843-5860
elizabeth.palma@usa.doj.gov

STATE OF NEW YORK)
COUNTY OF MONROE) ss.:
CITY OF ROCHESTER)

Special Agent Christopher Mahaffy, being duly sworn, deposes and says:

I am a Special Agent with the Drug Enforcement Administration, Rochester New York, and I am familiar with the facts and circumstances surrounding the seizure of \$267,808.00 United States Currency, one (1) 10k Rose Gold Diamond Chain with Spade Design on Clasp, and one (1) 18k Rose Gold Rolex Oyster Perpetual Watch from Aubrey Bailey of 1 South Clinton Avenue, Apartment #2404, Rochester, New York on or about January 4, 2023. The facts alleged in the Complaint for Forfeiture are true to the best of my knowledge and belief based upon information furnished to me by officials of the DEA and the Rochester Police Department and provided to the officials of the United States Attorney's Office.


Christopher Mahaffy
Special Agent
Drug Enforcement Administration

Subscribed and sworn to before me this 23 day
of June 2023.

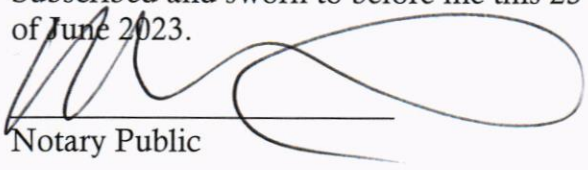

Notary Public



Exhibit 1

